



STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION :	Administrative Action
OR REVOCATION OF THE LICENSE OF :	
:	
SHEREKA N. DAVIS, LPN :	FINAL ORDER
License # 26NP06584000 :	OF DISCIPLINE
:	
TO PRACTICE NURSING IN THE :	
STATE OF NEW JERSEY :	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Shereka N. Davis ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey and has been a licensee at all relevant times.
2. The Board received information that Respondent was arrested in Camden County, on May 28, 2011, by members of the County Sheriff's Office and charged with violating N.J.S.A. 2C:12-1B(2) (Aggravated Assault with a Weapon). On July 9, 2012, in Camden County Superior Court, Respondent was found guilty of a reduced charge for violating N.J.S.A. 2C:17-3 (Criminal Mischief).
3. On or about July 11, 2012, the Board sent Respondent a

letter to her address of record in Mantua, New Jersey, via regular and certified mail, seeking information about the criminal matter, her employment, and evidence of continuing education. The letter reminded Respondent of her statutory and regulatory duty to cooperate with a Board investigation. The certified mailing was returned as Undeliverable; the regular mailing was not returned.

4. By letter dated August 3, 2012, Respondent's attorney requested that the Board refrain from taking action against the Respondent as sentencing in this matter was scheduled for August 24, 2012. In addition, Respondent's attorney claimed that Respondent would receive a Certificate of Authority from the Superior Court that would prohibit the Board from taking action against the Respondent. Respondent's attorney also included a copy of a performance evaluation for the Respondent indicating she has received a satisfactory evaluation. The evaluation, however, is a form and does not include the name of the Respondent's employer or any other information requested about Respondent's employment.

5. The Board received no additional information from the Respondent or her attorney, despite repeated telephone messages left for Respondent's Attorney.

#### CONCLUSIONS OF LAW

Respondent's failure to fully respond to the Board's inquiry constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems

professional misconduct within the meaning of N.J.S.A. 45:1-21(e), and thus subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 26, 2013, provisionally suspending respondent's nursing license, and imposing a \$200.00 civil penalty. A copy of the Order was served upon respondent's attorney. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent's attorney responded to the Provisional Order and supplied a copy of a judgment of conviction indicating that respondent was convicted of criminal mischief on August 24, 2012, and sentencing respondent to one year of probation, as well as certain fees and penalties, with a restitution hearing to be scheduled. A Certificate Suspending Employment/Occupational Disabilities was also included, which Certificate indicated that it was to act as presumptive evidence of rehabilitation which may or

may not be overcome by other evidence or information. Respondent's attorney also indicated that he was informing Ms. Davis by letter to respond to the Board and furnish the additional information requested by the Board. However, respondent has to date failed to provide the Board with a narrative statement providing her version of the underlying conduct that led to her arrest, information relating to her employment, and certificates of completion for continuing education. The Board therefore determined that additional proceedings were not necessary, that respondent still had not fully cooperated with the Board, and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 18<sup>th</sup> day of October, 2013,

ORDERED that:

1. Respondent's license to practice as a Licensed Practical Nurse is provisionally suspended until such time as Respondent cooperates with the Board's investigation by providing complete answers and documentation to the Board's inquiry of July 11, 2012.

2. A civil penalty in the amount of two hundred dollars (\$200) is hereby imposed upon Respondent for the failure to cooperate with a Board investigation by responding to the Board's letters. Payment shall be made by certified check or money order payable to the State of New Jersey, delivered to George Hebert, Executive Director, State of Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than

fifteen (15) days after the entry of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Respondent shall refrain from practicing as a Licensed Practical Nurse and shall not represent herself as a licensed professional until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

4. The Board reserves the right to take further disciplinary action based upon any information received in the future regarding the disposition of the arrest, and Respondent's compliance with required continuing education.

NEW JERSEY STATE BOARD OF NURSING

*Patricia Murphy PLD APN*

By: \_\_\_\_\_

Patricia Murphy, PhD, APN  
Board President